

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
MONDAY, MARCH 09, 2015

I. CALL TO ORDER

- Mayor Fulkerson called the meeting to order at 5:00PM. Council members in attendance: Miller, West, Fulkerson, Baker, Winnett
- City Staff in attendance: City Manager Dan Berman, City Clerk Gabriel Adams, City Planner Trevor Parker

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF AGENDA

*Motion (Miller/West) to approve the agenda as written. **Passed unanimously.***

IV. ITEMS FROM THE FLOOR - None

V. CONSENT AGENDA – None

VI. DISCUSSION AGENDA

1. Discussion/Decision regarding Draft Vacation Dwelling Unit Ordinance

City Manager Berman explained that the Council approved a final version of the Vacation Dwelling Unit (VDU) Ordinance last fall through a first reading in October, and a second reading and adoption in November. Coastal Commission approval is required for the Ordinance to take effect. The Coastal Commission is considering the Ordinance this Wednesday March 11th. It is on their consent agenda with a staff report recommending approval.

One of the restrictions in the ordinance is a limitation of one VDU per parcel. It has recently been brought to the City's attention that this limitation would force a change in rental practices on a particular property in the City. That property owner did not anticipate this impact until this late date in the process, feels that this impact is unnecessary and may not have been anticipated by the Council, and has requested an opportunity to review this situation with the Council before the VDU Ordinance receives final approval by the Coastal Commission. The property in question is an apartment building between the Eatery and the Holy Trinity Church. It has four (4) two-bedroom apartments. Three are being rented as VDUs, and the owner is trying to find a way to continue this practice.

There are two key questions:

1. Does the existing Ordinance language allow for more than one of the four units to be used as a VDU?
2. Does the Council want to pull the Ordinance back from the Coastal Commission and develop changes to the Ordinance.

On the first question, staff's interpretation of the Ordinance is NO. Renting multiple units in this structure independently as VDUs seems to be in direct contradiction to the '1-VDU per parcel' language of the Ordinance. The only potential fix within the language that staff can envision is if all three units were rented as a single unit, to a single party. Then it would be one VDU, consisting of three two-bedroom apartments. It's worth thinking about how this interpretation would apply with a more common situation in Trinidad, a typical single-family residence with a separate Accessory Dwelling Unit (ADU), i.e. a mother-in-law type unit on the same parcel. The ordinance language reads as though the owner cannot rent both the primary and the ADU structures as two separate VDUs. However staff currently interprets this language so as to allow the owner to rent the combination of the two units as one VDU.

The largest question at issue for this discussion is whether the Council wants to change the VDU Ordinance.

If so, there will likely be a minimum delay of six to nine months before a revised Ordinance will take effect. This time frame will depend in part on how extensive the changes are, and whether they trigger any new concerns with the Coastal Commission. In this case Council would direct staff to notify the Coastal Commission that the City wants to withdraw our request for approval until the Council revises the language and resubmits a new version to the Coastal Commission. The Ordinance would then be open to revision throughout, not just with regard to the specific language of concern at this meeting.

If Council leaves the current process in place, and the Ordinance is approved on Wednesday by the Coastal Commission, it becomes part of our approved Local Coastal Plan, and any changes, including simply undoing it, would require substantial time and process, including Coastal Commission review and approval.

Council questions:

Baker: Why was this property zoned Urban Residential in the first place? City Planner Trevor Parker explained that it is currently considered legal non-conforming, but that staff could start working on an amendment to the ordinance tomorrow for a future date to correct the issue that the owner Mike Reinman is facing.

Public comment included:

Mike Reinman – RCVR Owner, and 4-plex owner.

Played a recording segment from the April 09 hearing where the decision was made to add the 1-VDU per parcel limit. He argued that the problem he's facing with the 4-plex was unintentional. The context of the discussion was focused on residential parcels on small lots with accessory dwellings or garage conversions being rented as VDU's along with the main residences. He also explained that he didn't catch it earlier because it didn't show up in a later draft version as a tracked change. He urged the Council to reconsider the restriction, or propose an immediate resolution.

Jonna Kitchen – Trinidad Retreats Owner & Trinidad Resident

I agree with Mike that the communication was poor. This wasn't a minor amendment. It has significant impacts to his property... the only apartment complex in town. However, it will be a shame if the ordinance gets delayed again because of this.

Tom Davies – Trinidad

5 years ago we agreed that only one unit on the property would be allowed to operate as a VDU. Our main concern was residential units with legal or illegal second units being rented, causing unwanted congestion and various nuisances associated with VDU's. There are (3) duplexes on my street. The more VDU's we allow, the less permanent housing there will be for residents. Hopefully the ADU Ordinance will address affordability issues.

Pat Morales – Trinidad

The 1 VDU per parcel language should stay. Just because Reinman's business brings in revenue to the City doesn't mean he should receive special treatment. Renting the whole complex as one unit circumvents the intent of the law and should not be considered.

Council comments included:

Winnett: When and how did this happen? If the building was established prior to the zoning ordinance, why is it being treated differently? I'm not comfortable with government taking away something that pre-existed or operated legally at some point prior to a new law going into affect. **Parker** explained that the zoning ordinance allows structures that pre-date the ordinance to become legal. The VDU ordinance does not.

Baker: There needs to be a balance between vacation rentals and permanent housing. That's why I voted in favor of limiting to 1 VDU per parcel. Recommendations should not be made on a case-by-case basis.

Miller: I agree with Baker. We must strike a balance with housing inventory. I appreciate this issue being brought to the Council. We should proceed as planned and begin working on an amendment that resolves the issue affecting this property as soon as possible.

Fulkerson: If the ordinance can be interpreted in Reinman's favor, let it go. If not, let the Commission decide on the current version and then let's discuss a more appropriate resolution at a future meeting.

Motion (Miller/Baker) to direct staff to send a letter to Coastal Commission staff encouraging support of the ordinance as written and to proceed as planned. Passed by the following vote: 3-1-1: (West, NO), (Winnett, ABSTAIN)

ADJOURNMENT TO NEXT MEETING SCHEDULED FOR 6:00PM.

Meeting ended at 6:00pm.

Submitted by:

Gabriel Adams
City Clerk

Approved by:

Julie Fulkerson
Mayor